

AMENDED IN SENATE JUNE 8, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 11**

**Introduced by Assembly Member De La Torre**

December 6, 2004

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An act to ~~add Section 36516.3 to~~ *amend Section 36516 of the Government Code, to amend Section 34130 of, and to add Section 34130.5 to, the Health and Safety Code, relating to* ~~city councils~~ *local agency legislative bodies.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 11, as amended, De La Torre. ~~City council~~ *Local agency legislative bodies* compensation.

Existing law specifies the procedures for setting the compensation of city council members and establishes a compensation schedule based on city population.

This bill would prohibit a city council from authorizing compensation for any of its members for any purpose in an amount exceeding the existing schedules unless that additional compensation is authorized by statute. It also would provide that, unless otherwise specified by another statute, an elected member of a city council who serves on a commission, committee, board, authority, or similar body that is created by, or is under the jurisdiction of, a city council shall not receive compensation for that service in excess of \$150 per month for each commission, committee, board, authority, or similar body upon which the member serves. It would specify that any amount

reimbursed for actual and necessary expenses, including traveling expenses, shall not be considered compensation for this purpose.

*Existing law requires the legislative body of each community that has declared by ordinance that there is a need for the community development commission to function in that community to establish and provide the terms, compensation, and removal of commissioners.*

*This bill would provide that if that ordinance declares that need only with respect to a redevelopment agency the compensation of commissioners shall not exceed \$75 per meeting of the commission attended, not to exceed 2 meetings per calendar month. If the ordinance declares the need for the commission to function with respect to a redevelopment agency and a housing authority, the compensation shall not exceed \$150 for a commissioner per commission meeting attended, not to exceed 2 meetings per calendar month.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 36516 of the Government Code is*  
2     *amended to read:*

3     36516. (a) A city council may enact an ordinance providing  
4     that each member of the city council shall receive a salary, the  
5     amount of which shall be determined by the following schedule:

6     (1) In cities up to and including 35,000 in population, up to  
7     and including three hundred dollars (\$300) per month;

8     (2) In cities over 35,000 up to and including 50,000 in  
9     population, up to and including four hundred dollars (\$400) per  
10    month;

11    (3) In cities over 50,000 up to and including 75,000 in  
12    population, up to and including five hundred dollars (\$500) per  
13    month.

14    (4) In cities over 75,000 up to and including 150,000 in  
15    population, up to and including six hundred dollars (\$600) per  
16    month.

17    (5) In cities over 150,000 up to and including 250,000 in  
18    population, up to and including eight hundred dollars (\$800) per  
19    month.

1 (6) In cities over 250,000 population, up to and including one  
2 thousand dollars (\$1,000) per month.

3 For the purposes of this section the population shall be  
4 determined by the last preceding federal census, or a subsequent  
5 census, or estimate validated by the Department of Finance.

6 (b) At any municipal election, the question of whether city  
7 council members shall receive compensation for services, and the  
8 amount of compensation, may be submitted to the electors. If a  
9 majority of the electors voting at the election favor it, all of the  
10 council members shall receive the compensation specified in the  
11 election call. Compensation of council members may be  
12 increased beyond the amount provided in this section or  
13 decreased below the amount in the same manner.

14 (c) Compensation of council members may be increased  
15 beyond the amount provided in this section by an ordinance or by  
16 an amendment to an ordinance but the amount of the increase  
17 may not exceed an amount equal to 5 percent for each calendar  
18 year from the operative date of the last adjustment of the salary  
19 in effect when the ordinance or amendment is enacted. No salary  
20 ordinance shall be enacted or amended which provides for  
21 automatic future increases in salary.

22 *(d) Unless specifically authorized by another statute, a city*  
23 *council may not enact an ordinance providing for compensation*  
24 *to city council members in excess of that authorized by the*  
25 *procedures described in subdivisions (a) to (c), inclusive. For the*  
26 *purposes of this section, compensation includes payment for*  
27 *service by a city council member on a commission, committee,*  
28 *board, authority, or similar body on which the city council*  
29 *member serves. If the other statute that authorizes the*  
30 *compensation does not specify the amount of compensation, the*  
31 *maximum amount shall be one hundred fifty dollars (\$150) per*  
32 *month for each commission, committee, board, authority, or*  
33 *similar body.*

34 ~~(d)~~

35 (e) Any amounts paid by a city for retirement, health and  
36 welfare, and federal social security benefits shall not be included  
37 for purposes of determining salary under this section provided  
38 the same benefits are available and paid by the city for its  
39 employees.

1     (f) *Any Amounts paid by a city to reimburse a council member*  
2     *for actual and necessary expenses pursuant to Section 36514.5*  
3     *shall not be included for purposes of determining salary pursuant*  
4     *to this section.*

5     SEC. 2. *Section 34130 of the Health and Safety Code is*  
6     *amended to read:*

7     34130. (a) When the legislative body adopts an ordinance  
8     declaring the need for a commission, the mayor or chairman of  
9     the board of supervisors or similar official, with the approval of  
10    the legislative body, shall appoint the number of resident electors  
11    of the community as commissioners as the legislative body  
12    prescribe by ordinance. The legislative body by ordinance may  
13    increase or decrease the number of commissioners. The  
14    legislative body, except as otherwise expressly provided in  
15    subdivision (b), shall establish and provide for the terms,  
16    ~~compensation~~, and removal of the commissioners. The legislative  
17    body shall provide procedures for appointment or election of the  
18    officers of the commission.

19    (b) Two of the commissioners shall be tenants of the housing  
20    authority if the housing authority has tenants. One such tenant  
21    commissioner shall be over the age of 62 years if the housing  
22    authority has tenants of such age. If the housing authority does  
23    not have tenants, the legislative body shall, by ordinance, provide  
24    for appointment to the commission of two tenants of the housing  
25    authority within one year after the housing authority first does  
26    have tenants. The term of any tenant commissioner appointed  
27    pursuant to this subdivision shall be two years from the date of  
28    appointment. If a tenant commissioner ceases to be a tenant of  
29    the housing authority, he shall be disqualified from serving as a  
30    commissioner and another tenant of the housing authority shall  
31    be appointed to serve the remainder of the unexpired term. A  
32    tenant commissioner shall have all the powers, duties, privileges,  
33    and immunities of any other commissioner.

34    (c) Upon the appointment and qualification of a majority of  
35    the commissioners, the commission shall be vested with all the  
36    powers, duties, and responsibilities of the members of the  
37    redevelopment agency and, if the legislative body so elects, the  
38    commissioners of the housing authority. Members of the  
39    redevelopment agency and commissioners of a housing authority  
40    which has been placed under the jurisdiction of the commission

1 shall have no powers, duties, and responsibilities as long as the  
2 commission functions.

3 *SEC. 3. Section 34130.5 is added to the Health and Safety*  
4 *Code, to read:*

5 *34130.5. (a) Commissioners shall receive their actual and*  
6 *necessary expenses, including traveling expenses incurred in the*  
7 *discharge of their duties. The legislative body may also provide*  
8 *for other compensation pursuant to either subdivision (b) or (c).*

9 *(b) If the ordinance of the legislative body declaring the need*  
10 *for a commission to function within the community declares that*  
11 *need only with respect to a redevelopment agency, the*  
12 *compensation provided by the legislative body shall not exceed*  
13 *seventy-five dollars (\$75) for each commissioner for each*  
14 *meeting of the commission attended by that commissioner. No*  
15 *commissioner shall receive compensation for attending more*  
16 *than two meetings of the commission in any calendar month.*

17 *(c) If the ordinance of the legislative body declaring the need*  
18 *for a commission to function within the community declares that*  
19 *need with respect to a redevelopment agency and a housing*  
20 *authority, the compensation provided by the legislative body*  
21 *shall not exceed one hundred fifty dollars (\$150) for each*  
22 *commissioner for each meeting of the commission attended by*  
23 *that commissioner. No commissioner shall receive compensation*  
24 *for attending more than two meetings of the commission in any*  
25 *calendar month.*

26 ~~SECTION 1. Section 36516.3 is added to the Government~~  
27 ~~Code, to read:~~

28 ~~36516.3. (a) A city council shall not authorize compensation~~  
29 ~~for any of its members for any purpose in an amount exceeding~~  
30 ~~that specified in Section 36516 unless that additional~~  
31 ~~compensation is authorized by statute.~~

32 ~~(b) Unless otherwise specified by statute, an elected member~~  
33 ~~of a city council who serves on a commission, committee, board,~~  
34 ~~authority, or similar body that is created by, or is under the~~  
35 ~~jurisdiction of, a city council shall not receive compensation for~~  
36 ~~that service in excess of one hundred fifty dollars (\$150) per~~  
37 ~~month for each commission, committee, board, authority, or~~  
38 ~~similar body upon which the member serves.~~

- 1     ~~(e) For purposes of this section, any amount reimbursed for~~
- 2     ~~actual and necessary expenses, including traveling expenses,~~
- 3     ~~shall not be considered compensation.~~